

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:17 CR 239-01
	)	
Plaintiff,	)	JUDGE SOLOMON OLIVER, JR.
	)	
-vs-	)	
	)	
TYRONE GILBERT,	)	<b><u>MOTION TO CONTINUE</u></b>
	)	<b><u>SENTENCING HEARING</u></b>
	)	
Defendant.	)	

Now comes the Defendant, Tyrone Gilbert, through his attorney, Terry H. Gilbert, and hereby moves this Court for a continuance of the sentencing hearing currently scheduled for December 17, 2018 for the following reason:

A major federal criminal justice reform bill, known as the Fresh Track Act, which has bipartisan support and the backing of President Trump, will potentially be up for a vote before the end of the year. The only impediment is whether the Senate majority leader will schedule the vote. (See attached Exhibit 1, news article). In the bill, as currently drafted, an 851 enhancement for a prior drug felony will be modified in two ways, redefining the prior drug felony to a “serious drug felony” and reducing the mandatory minimum to 15 years, instead of 20 years. (See Exhibit 2, relevant portion of the proposed legislation).

It appears that these modifications, if passed into law, will not be retroactive to anyone convicted before the effective date of the bill. Clearly, these potential legislative reforms will benefit the Defendant in this case. The plea in this case was based on current law which imposes a minimum mandatory sentence of 20 years. If the sentencing hearing goes forward on December 17, 2018, and then subsequently the law is passed and signed by the President, Mr. Gilbert will be out of luck.

Undersigned counsel will be out of the country from December 24, 2018 until January 13, 2019, and then will be in trial the week of January 15, 2019. Counsel is available the week of January 21, 2019, at the convenience of the Court and the Government.

Respectfully submitted,

FRIEDMAN & GILBERT

/s/ Terry H. Gilbert

TERRY H. GILBERT (0021948)

JACQUELINE C. GREENE (0092733)

55 Public Square, Suite 1055

Cleveland, OH 44113-1901

Telephone: (216) 241-1430

Facsimile: (216) 621-0427

Email: [tgilbert@f-glaw.com](mailto:tgilbert@f-glaw.com)

[jgreene@f-glaw.com](mailto:jgreene@f-glaw.com)

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 3, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Terry H. Gilbert

TERRY H. GILBERT

One of the Attorneys for Defendant